

The article was alleged to be adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, which might have rendered it injurious to health.

On December 11, 1934, the defendant entered a plea of guilty and the court imposed a fine of \$5.

M. L. WILSON, *Acting Secretary of Agriculture.*

23877. Adulteration of butter. U. S. v. Sioux Valley Cooperative Creamery Co. Plea of guilty. Fine, \$25 and costs. (F. & D. no. 32162. Sample nos. 40286-A, 40681-A, 40742-A.)

This case was based on interstate shipments of butter that contained less than 80 percent of milk fat.

On October 10, 1934, the United States attorney for the Northern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Sioux Valley Cooperative Creamery Co., a corporation trading at Lake Park, Iowa, alleging shipment by said company in violation of the Food and Drugs Act, on or about June 22, July 16, and July 20, 1933, from the State of Iowa into the State of Illinois, of quantities of butter which was adulterated.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat, as prescribed by the act of Congress of March 4, 1923, which the article purported to be.

On October 23, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$25 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

23878. Misbranding of canned tomatoes. U. S. v. The Utah Canning Co. Plea of guilty. Fine, \$26. (F. & D. no. 32165. Sample no. 50848-A.)

Sample cans of tomatoes taken from the shipment involved in this case were found to contain less than 1 pound 14 ounces, the weight declared on the label.

On September 10, 1934, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Utah Canning Co., a corporation, Ogden, Utah, alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about June 9, 1933, from the State of Utah into the State of Wyoming, of a quantity of canned tomatoes which were misbranded. The article was labeled in part: "Yellowstone Brand Hand Packed Tomatoes Contents 1 Lb. 14 oz. Packed for Paxton and Gallagher Co. Omaha."

The article was alleged to be misbranded in that the statement, "Contents 1 Lb. 14 Oz.", borne on the can label, was false and misleading, and for the further reason that it was labeled so as to deceive and mislead the purchaser, since each of a large number of the cans examined contained less than 1 pound 14 ounces. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was not correct.

On December 3, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$26.

M. L. WILSON, *Acting Secretary of Agriculture.*

23879. Adulteration and misbranding of vinegar. U. S. v. William Edward Martin, Harry Lee Cochran, and James W. Lee (Sunny South Products Co.). Plea of guilty. Fine, \$50. (F. & D. no. 32173. Sample nos. 46651-A, 46652-A, 46653-A.)

This case was based on an interstate shipment of vinegar that was deficient in acetic acid, and that was not properly labeled to indicate the quantity of the contents.

On September 6, 1934, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the district court an information against William Edward Martin, Harry Lee Cochran, and James W. Lee, trading as the Sunny South Products Co., Memphis, Tenn., alleging shipment by said defendants in violation of the Food and Drugs Act as amended, on or about June 21, 1933, from the State of Tennessee into the State of Mississippi, of quantities of vinegar which was adulterated